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ACTUATE CORPORATION

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14 Attorneys for Defendant  
JPMORGAN CHASE BANK, N.A.,  
15 As Acquirer of Certain Assets and Liabilities of  
Washington Mutual Bank  
16

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

19 ACTUATE CORPORATION, a Delaware ) CASE NO.: CV 08-2918 SI  
20 corporation, )  
21 Plaintiff, ) STIPULATION REGARDING CASE  
22 v. ) SCHEDULING  
23 JPMORGAN CHASE BANK, N.A., a Delaware ) Hon. Susan Illston  
24 corporation, as Acquirer of Certain Assets and ) Complaint Filed: June 11, 2008  
Liabilities of WASHINGTON MUTUAL ) Trial Date: December 7, 2009  
25 BANK, a Washington corporation, )  
26 Defendant. )  
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1 Plaintiff Actuate Corporation (“Actuate”) and Defendant JPMorgan Chase Bank, N.A., as  
2 Acquirer of Certain Assets and Liabilities of Washington Mutual Bank (“Washington Mutual”),  
3 hereby submit this stipulation regarding the case schedule.

4 (1) *Recent Mediation:* The parties attended a mediation on September 11, 2009, and  
5 expect to enter into an out-of-court resolution;

6 (2) *Current Case Schedule:* Under the current schedule, the last day for expert  
7 depositions is September 25, 2009, and the motion deadlines are October 2 for opening briefs,  
8 October 16 for opposition briefs, and October 23 for reply briefs, with a hearing set for  
9 November 6;

10 (3) *Stipulated Case Schedule:* While the parties are currently finalizing the expected  
11 resolution, they wish to extend the case schedule by two weeks to avoid missing any deadlines.  
12 Accordingly, the parties hereby stipulate to extend the expert deposition deadline to October 9,  
13 2009. The parties likewise hereby stipulate to extend the motion dates to October 16, October  
14 30, and November 6, 2009, with a hearing on November 20, 2009, if such dates are convenient  
15 for the Court.

16 (4) The parties respectfully request that the Court enter an Order reflecting this  
17 stipulation.

18  
19 Dated: September 25, 2009

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

20  
21 By: \_\_\_\_\_ /s/ James A. DiBoise

22 James A. DiBoise  
jdiбоise@wsgr.com  
23 Charles T. Graves  
tgraves@wsgr.com

24  
25 Attorneys for Plaintiff  
26 Actuate Corporation

1 Dated: September 25, 2009

HOWREY LLP

2  
3 /s/ Benjamin K. Riley  
4 By: \_\_\_\_\_  
Benjamin K. Riley  
rileyb@howrey.com

5 Attorneys for Defendant  
JPMorgan Chase Bank, N.A.,  
6 As Acquirer of Certain Assets and  
7 Liabilities of Washington Mutual Bank

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9 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

10 Dated: \_\_\_\_\_



11  
12 The Honorable Susan Illston  
United States District Judge

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1 I, Charles T. Graves, am the ECF User whose identification and password are being used  
2 to file this STIPULATION REGARDING CASE SCHEDULING. In compliance with General  
3 Order 45.X.B, I hereby attest that BENJAMIN K. RILEY has concurred in this filing.

4 Dated: September 25, 2009

5 WILSON SONSINI GOODRICH & ROSATI  
6 Professional Corporation

7 By: /s/ Charles T. Graves  
8 Charles T. Graves

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